

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DEREK M. SAUNDERS,

Plaintiff,

:

Case No. 3:06-cv-002

-vs-

District Judge Thomas M. Rose

Chief Magistrate Judge Michael R. Merz

:

TAMARA LEWIS, et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATIONS

The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. #3), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on May 12, 2006, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that

1. All claims dated before January 4, 2004, be dismissed with prejudice;
2. All claims against all Defendants in their official capacities be dismissed without prejudice for lack of jurisdiction; and
3. All claims against all Defendants in their individual capacities other than Defendants Lewis and Harley be dismissed without prejudice for failure to state a claim upon which relief can be granted.

May 23, 2006

s/Thomas M. Rose

Judge Thomas M. Rose
United States District Court